

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6022

BILL NUMBER: SB 81

NOTE PREPARED: Feb 28, 2006

BILL AMENDED:

SUBJECT: Bungee Jump Facility Inspection.

FIRST AUTHOR: Sen. Meeks

BILL STATUS: As Passed House

FIRST SPONSOR: Rep. Stutzman

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill provides that a bungee jump facility is an amusement device subject to regulation under rules adopted by the Amusement Device Safety Board and subject to periodic inspection by the Division of Fire and Building Safety. The bill requires the adoption of temporary rules regulating bungee jump facilities to be in effect until permanent rules are adopted.

Effective Date: Upon passage.

Explanation of State Expenditures: The Division of Fire and Building Safety must implement a program of periodic on-site inspections of the bungee jump facilities. The office must issue a regulated amusement device operating permit to an applicant who qualifies. Permits expire one year from the date the permit was issued and may be renewed if the applicant continues to qualify for the permit. Applicants for a permit must pay an inspection fee. The fee for the inspection of regulated amusement devices under existing law must be sufficient to pay all of the costs of processing an application and performing an inspection.

Explanation of State Revenues: The proposal could generate additional revenue through the collection of inspection and permit fees. The specific impact is indeterminable and will depend on the number of bungee jumping facilities that will open or are currently operating in the state.

Penalty Provision—A person who operates a regulated amusement device; has control over the operation of a regulated amusement device; or has control over the place where a regulated amusement device is operated commits a Class C infraction if no regulated amusement device operating permit covers the operation. A person that knowingly or intentionally operates a regulated amusement device without a valid permit for the regulated

amusement device commits a Class A misdemeanor. For a Class A misdemeanor, if additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Penalty Provision—Class C Infraction. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures: *Penalty Provision.* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Penalty Provision.* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Division of Fire and Building Safety.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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